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REMARKS

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[0001] Claims 1-20 are pending in the case. In the Office Action, Claims 1-20 were rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 5,524,241 to Ghoneimy et al (hereinafter Ghoneimy). Applicants have submitted proposed amendments for Claims 8 and 15 which are consistent with amendments previously made to Claim 1. No new matter was added. The pending claims, including amended claims, are believed to be in condition for allowance, and Applicants respectfully request the prompt allowance of Claims 1-20.

REJECTION OF CLAIMS 1-20 UNDER 35 U.S.C. §102(b)

[0002] The Office Action rejected Claims 1-20 under 35 U.S.C. §102(b) in view of Ghoneimy. Applicants respectfully traverse this rejection.

[0003] It is well settled that under 35 U.S.C. §102 "an invention is anticipated if . . . all the claim limitations [are] shown in a single art prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co., Ltd.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully assert that Ghoneimy does not teach or disclose each element of the independent claims.

[0004] Claim 1 recites, in pertinent part:

> the server **detecting and storing** at least one unpaired message in an unpaired message queue, the at least one unpaired message comprising a communication response for a specific client, the server **distinguishing** the at least one unpaired message from a paired message in response to a communication disruption between the client and the server;
> **creating the unpaired message queue** in a server, the unpaired message queue configured to store a plurality of unpaired messages intended for the client; and
> utilizing a protocol which allows the **client to request** at least one **unpaired message** stored in the unpaired message queue.
> (Claim 1 emphasis added)

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In particular, Claim 1 recites detecting and storing an unpaired message in an unpaired message queue, distinguishing of unpaired messages from paired messages, creation of the unpaired message queue, and a client requesting an unpaired message. Unpaired messages are described in the specification on page 7, lines 10-11 and on page 15 line 20 – page 16 line 3.

[0005] The Office Action suggests that most of these elements are "literally present, [and] arranged as in the claim" in Ghoneimy in col. 14, lines 55-65. Applicants respectfully disagree. The referenced section fails to teach or describe detecting and storing of an unpaired message. An unpaired message is a specific element of Claim 1 and is defined in the specification. In fact, Claim 1 includes the definition of an unpaired message as a "...message comprising a communication response for a specific client." See Claim 1.

[0006] Instead, Ghoneimy teaches a system and method for executing, tracking, and recovering long running computations. Ghoneimy breaks long running computations into computational steps that then follow a defined flow. See Ghoneimy Abstract. A transaction description database is used to track and manage the steps. See *Id.* Ghoneimy teaches dividing of long running computations into smaller segments or steps that can then be more readily tracked, processed, and recovered if the execution of the overall flow is interrupted by system failure. See *Id.*

[0007] In col. 12, line 10 to col. 14, line 54, Ghoneimy goes through the processes T1-T5. In col. 13, line 50 - col. 14, line 8, Ghoneimy discusses the flow controller 130 and the flow process of Figure 13 as well as the data structure queue record 541 of Figure 15. See Ghoneimy col. 11, line 44 – col. 12, line 41. In the referenced section relied upon in the Office Action, col. 14, lines 55-65, Ghoneimy describes the overall cycle of processing the execution of a step. Ghoneimy defines a step as a computational portion of a flow that models a long running transaction. See Ghoneimy col. 5 lines 18-21. Ghoneimy then describes handling of multiple steps from multiple flows in the different processes T1-T5 of the cycle. See Ghoneimy col. 14, lines 55-65. Ghoneimy explains generation of log records that provide for recovery of steps in the event of system failure.

[0008] Claim 1 recites detecting and storing an unpaired message in an unpaired message queue. Applicants submit that Ghoneimy fails to teach an unpaired message.

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Ghoneimy teaches log records and steps of a long running computation. Steps in Ghoneimy are defined above as part of a flow. Steps are not communication responses intended for a client.

[0009] Log records are discussed and defined in Ghoneimy as copies of certain existing records in the queues used for the step execution process. See Ghoneimy col. 16, lines 57-67. Log records have no relationship to communications between a client and a server of a request and a response. In contrast, an unpaired message is the response to a client request. As mentioned above, this specific limitation defining an unpaired message is recited in Claim 1. There are no teachings in Ghoneimy to suggest that a log record is the equivalent of an unpaired message.

[0010] Furthermore, Claim 1 recites that the present invention distinguishes paired messages from unpaired messages based on a communication disruption between the client and the server. Ghoneimy teaches recovery using log records after a system failure but teaches nothing about using the system failure or another disruption of communication between a client and a server to distinguish an unpaired message from a paired message. Additionally, while Ghoneimy does mention queues, Ghoneimy teaches nothing about **creation of** a queue to hold unpaired messages in response to an unpaired message being identified.

[0011] The Office Action suggests that "**utilizing a protocol which allows the client to request** at least one unpaired message stored in the unpaired message queue" is "literally present, [and] arranged as in the claim" in Ghoneimy in col. 13, line 50- col. 14, line 8. Applicants respectfully disagree. Col. 13, line 50 - col. 14, line 8 the client requests input parameters and other details relating to a step that the client has been asked to execute. Applicants submit that a step as well as the details relating to a step are fundamentally different from an unpaired message. In Claim 1, the client requests an unpaired message which is explained above as a communication response to a client that has experienced a communication disruption. The step and metadata associated with a step in Ghoneimy has nothing to do with communications.

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Unconsidered Element

[0012] Finally, Claim 1 recites "the at least one unpaired message comprising a communication response for a specific client " which further defines an unpaired message as a communication response. Applicants note that this limitation was not considered in the Office Action. The Office Action simply presumed that Claim 1 and Claim 8 included the same subject matter. Therefore the Office Action rejected Claim 1 on the same grounds as Claim 8 without specifically addressing the limitation of "... the at least one unpaired message comprising a communication response for a specific client." Applicants note that this limitation was specifically discussed in Applicant's response mailed April 25, 2005. See paragraph 8. Applicants submit that this oversight is improper and that the limitation of "... the at least one unpaired message comprising a communication response for a specific client" clearly further distinguishes Claim 1 over Ghoneimy.

Conclusion

[0013] Therefore, Ghoneimy fails to teach or disclose all the elements of Claim 1. Specifically, Ghoneimy fails to teach or disclose detecting and storing an unpaired message in an unpaired message queue, distinguishing of unpaired messages from paired messages, creation of the unpaired message queue, and a client requesting an unpaired message. In particular, Ghoneimy fails to teach an unpaired message that "...[comprises] a communication response for a specific client." Consequently, Applicants submit that Claim 1 is in condition for allowance.

[0014] Independent Claims 8 and 15 include similar limitations and elements described above in relation to Claim 1. Therefore, Applicants submit that Claims 8 and 15 are allowable over Ghoneimy for at least the same reasons as Claim 1. Given that dependent Claims 2-7, 9-14, and 16-20 depend from Claims 1, 8, and 15 respectively, Applicant submit that Claims 2-7, 9-14, and 16-20 are also patentable over Ghoneimy and request that the rejection of dependent Claims 2-7, 9-14, and 16-20 under 35 U.S.C. § 102(b) also be withdrawn.

Amendments

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[0015] Applicants propose amending independent Claims 8 and 15 to include the phrase "the at least one unpaired message comprising a communication response for a specific client" which was previously included in an amendment of Claim 1. Applicants acknowledge that entering of an amendment after receipt of a final rejection is not a matter of right in accordance with MPEP §714.12. However, in accordance with MPEP §714.12, Applicants submit that such an amendment should be allowed because the amendment makes the independent claims consistent, places the application in better condition for allowance, and in better condition for appeal due to the consistency and added limitation.

[0016] In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,

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